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FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER STORK, KYLE R	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/042,260  
Filing Date: January 11, 2002  
Appellant(s): SHEAR, TIMOTHY ALLEN

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William T. Ellis  
Registration No. 26874  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 6 February 2007 appealing from the Office action mailed 23 May 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

IBM Technical Disclosure Bulletin, August 1, 1988, US, Volume 31, Issue Number 3, pp. 30-31.

5446883	Kirkbride et al.	8-1995
6393442	Cromarty et al.	5-2002
6519571	Guheen et al.	2-2003

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 9, 12-14, 18-20, 24-26, 29, 32-33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Technical Disclosure Bulletin, (August 1, 1988, US, Volume Number 31, Issue Number 3, Pages 30-31, hereinafter IBM) and further in view of Kirkbride et al. (US 5446883, patented 29 August 1995, hereafter Kirkbride).

Regarding independent claim 1, IBM discloses A computer implemented method of automatically storing and transmitting data in an universal format (the data processing in IBM occurs in a generalized markup language, see page 1), the method comprising the steps of: receiving a document in a first format (in IBM, the data is received in the markup language, see page 1); parsing said received document in said first format into constituent node sets (the markup language is parsed into its nodes; and semantically-tagging, indexing and storing each node set of said received

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document in a data store (in IBM, the nodes are processed into an indexed tree by tags to store them in a database, see pages 2-3). IBM fails to specifically disclose that the storage and transmission occurs in a network. IBM further fails to specifically disclose automatically triggering a propagation of an event over a network, to a registered partner on the global commerce network, wherein the predetermined event is an update of the node set that is derived from a document previously sent by the registered partner. However, Kirkbride automatically triggering a propagation of an event over a network, to a registered partner on the global commerce network, wherein the predetermined event is an update of the node set that is derived from a document previously sent by the registered partner (column 4, lines 29-47: Here users are registered in a table. Further, the users are notified when a change or an update occurs to a document in which the user has interest).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined IBM with Kirkbride, since it would have allowed a user to change one set of data and have the changes propagated to reliant documents and users (Kirkbride: column 4, lines 29-47).

Regarding dependent claim 4, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM further discloses that said node set is stored in a data store. (IBM stores the data in a database, which is a type of data store, see page 1).

Regarding dependent claim 5, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM further discloses

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that said node set is stored in a format that can be translated to any other format to which the format may be converted (pages 1-2: Here, the directed graph shows the acceptable forms for the documents conforming to this style).

Regarding dependent claim 6, IBM and Kirkbride disclose the limitations similar to those in claim 4, and the same rejection is incorporated herein. IBM further discloses said stored node set is stored in a format corresponding to a format of said data store. This is inherently required for the data to be successfully stored on the data store.

Regarding dependent claim 9, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM further discloses receiving a second document (this is the repetition of the steps of claim 1); parsing said received second document into constituent node sets (this is the repetition of the steps of claim 1); indexing said each node set of said received second document (this is just repeating the step of claim 1); storing said each node set of said received second document in said data store (this is the repetition of the steps of claim 1); and updating at least one of said node sets of said document previously stored in said data store which corresponds to one of said node sets of said received second document (on page 3 of IBM, IBM discusses how the indexed tree is updated if it receives additional data).

Regarding dependent claim 12, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM further discloses receiving a second document (this is the repetition of the steps of claim 1); parsing said received second document into constituent node sets (this is the repetition of the steps of claim 1); indexing said each node set of said received second document (this is the

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repetition of the steps of claim 1); storing said each node set of said received second document in said data store (this is the repetition of the steps of claim 1) and appending at least one of said node sets of said received second document to said document previously stored in said data store (the indexed data tree is expanded by appending).

Regarding dependent claim 13, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Kirkbride further discloses triggering a propagation of an event to an endpoint of said network by the storing or appending of at least one of said node sets of said second document stored in said data store (column 4, lines 29-47).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined IBM and Kirkbride with Kirkbride, since it would have allowed a user to change one set of data and have the changes propagated to reliant documents and users (Kirkbride: column 4, lines 29-47).

Regarding independent claim 14, it is a system for performing the method of claim 1 and it is rejected under similar rationale.

Regarding dependent claim 18, it is a system for performing the method of claim 5 and it is rejected under similar rationale.

Regarding dependent claim 19, it is a system for performing the method of claim 6 and it is rejected under similar rationale.

Regarding independent claim 20, it is a computer program product that performs the method of claim 1 and is rejected under similar rationale.

Regarding dependent claim 24, it is a computer program product that performs the method of claim 4 and is rejected under similar rationale.

Regarding dependent claim 25, it is a system for performing the method of claim 5 and it is rejected under similar rationale.

Regarding dependent claim 26, it is a computer program product that performs the method of claim 6 and is rejected under similar rationale.

Regarding dependent claim 29, it is a computer program product that performs the method of claim 9 and is rejected under similar rationale.

Regarding dependent claim 32, it is a computer program product that performs the method of claim 12 and is rejected under similar rationale.

Regarding dependent claim 33, it is a computer program product that performs the method of claim 13 and is rejected under similar rationale.

Claims 2, 15, and 22 are rejected under 35 U.S.C. 103(a) over IBM and Kirkbride further in view of Cromarty et al. (USPN 6,393,442 B1—filing date 5/8/1998), hereinafter Cromarty.

Regarding dependent claim 2, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM fails to specifically disclose retrieving said each node set of said received document; and reassembling required node sets of said received document into a second format. However, in col. 2, lines 50-67, Cromarty discusses analogous format transformation that takes a document in a source format and reassembles it into a target format. It



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would have been obvious to one of ordinary skill in the art at the time of the invention to reassemble documents in IBM in the manner of Cromarty in order to increase availability of documents in new formats.

Regarding dependent claim 15, it is a system for performing the method of claim 2 and it is rejected under similar rationale.

Regarding dependent claim 22, it is a computer program product that performs the method of claim 2 and is rejected under similar rationale.

Claims 8, 10-11, 25, and 30-31 are rejected under 35 U.S.C. 103(a) over IBM and Kirkbride further in view of Guheen et al. (US 6519571, filed 27 May 1999, hereafter Guheen).

Regarding dependent claim 8, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM fails to specifically disclose the registered partner in the global commerce network registers for notification of said propagation of said predetermined event in said network (column 243, lines 25-34).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined IBM with Guheen, since it would have allowed a user to remain informed of updates (Guheen: column 243, lines 25-34)

Regarding dependent claim 10, IBM and Kirkbride disclose the limitations similar to those in claim 9, and the same rejection is incorporated herein. IBM fails to specifically disclose triggering a propagation of an event to registered partner network

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by the storing of at least one of said nodes the second document and updating at least one of said nodes of said document previously stored in said data store. However, Guheen discloses triggering a propagation of an event to registered partner network by the storing of at least one of said nodes the second document and updating at least one of said nodes of said document previously stored in said data store (column 243, lines 25-34).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined IBM with Guheen, since it would have allowed a user to remain informed of updates (Guheen: column 243, lines 25-34)

Regarding dependent claim 11, IBM and Kirkbride disclose the limitations similar to those in claim 9, and the same rejection is incorporated herein. IBM fails to specifically disclose the registered partner retrieves said node sets stored in said data store upon said notification of said predetermined event. However, Guheen discloses the registered partner retrieves said node sets stored in said data store upon said notification of said predetermined event (column 243, lines 25-34).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined IBM with Guheen, since it would have allowed a user to remain informed of updates (Guheen: column 243, lines 25-34)

Regarding dependent claim 28, it is a computer program product that performs the method of claim 8 and is rejected under similar rationale.

Regarding dependent claim 30, it is a computer program product that performs the method of claim 10 and is rejected under similar rationale.

Regarding dependent claim 31, it is a computer program product that performs the method of claim 11 and is rejected under similar rationale.

### **(10) Response to Argument**

The appellant presents four arguments with respect to the combination of IBM and Kirkbride. The initial argument is based upon the appellant's belief that the combination IBM and Kirkbride fails to disclose "the combination of (1) automatic triggering of a propagation of a predetermined event on the node set, to a registered partner, over a global network, and (2) wherein the predetermined event is an update of the node set that is derived from a document previously sent by the trading partner (page 7)." First, it must be stated that IBM discloses parsing a received document in a first format into constituent node sets (the markup language is parsed into its nodes; and semantically-tagging, indexing and storing each node set of said received document in a data store (in IBM, the nodes are processed into an indexed tree by tags to store them in a database, see pages 2-3). Therefore, IBM discloses a document being parsed into a node set. Therefore, the appellant's argument that Kirkbride fails to teach parsing a received document into a constituent node set (page 7) is irrelevant, as Kirkbride is not relied upon to teach such a limitation. Instead, Kirkbride is relied upon to disclose automatically triggering a propagation of an event over a network, to a registered partner on the global commerce network, wherein the predetermined event is an update of the node set that is derived from a document previously sent by the registered partner. Which Kirkbride discloses (column 4, lines 29-47). In this instance,

a "Notify link register" records a mapping between a "user table register" and an incident solution in an acyclic graph database. Further, through the use of the acyclic graph database, when an update or change to specific documents occur, users associated with the specific document are notified of the change. Here, when an update occurs (automatic trigger) users are automatically notified of the event (propagation of an event over a network). Further, only users registered in the notify link register are informed of the update and are equivalent to the claimed registered partners. Further, if the appellant were to look at the example provided by Kirkbride (column 4, lines 37-47), it would become clear that the document has been previously retrieved sent/posted by an administrator and retrieved by subsequent users. Therefore, this argument is not persuasive.

The appellant's second argument is based upon the belief that Cromarty does not cure the perceived deficiencies of the IBM and Kirkbride rejections (page 9). However, the examiner is not relying upon Cromarty to cure any deficiencies, as the examiner believes that IBM and Kirkbride teach the limitations above. Therefore, this argument is not persuasive.

The appellant's third argument is based upon the belief that Guheen does not cure the perceived deficiencies of the IBM and Kirkbride rejections (pages 9-10). However, the examiner is not relying upon Guheen to cure any deficiencies, as the examiner believes that IBM and Kirkbride teach the limitations above. Therefore, this argument is not persuasive.

The appellant's final argument is that the combination of IBM and Kirkbride fail to disclose the limitations of claims 12, 13, 32, and 33 (page 10).

However, the examiner respectfully disagrees.

Regarding dependent claim 12, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. IBM further discloses receiving a second document (this is the repetition of the steps of claim 1); parsing said received second document into constituent node sets (this is the repetition of the steps of claim 1); indexing said each node set of said received second document (this is the repetition of the steps of claim 1); storing said each node set of said received second document in said data store (this is the repetition of the steps of claim 1) and appending at least one of said node sets of said received second document to said document previously stored in said data store (the indexed data tree is expanded by appending).

Regarding dependent claim 13, IBM and Kirkbride disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Kirkbride further discloses triggering a propagation of an event to an endpoint of said network by the storing or appending of at least one of said node sets of said second document stored in said data store (column 4, lines 29-47).

Regarding claims 32 and 33, the applicant discloses the limitations substantially similar to those in claims 12 and 13 respectively. These arguments are therefore not persuasive.

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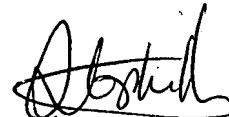
**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained:

Respectfully submitted,

  
krs



**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**

Conferees:



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